

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

15 CV 3805

JAMES PARISI,

Plaintiff,

v.

WIPRO LIMITED, WIPRO, LLC and
WIPRO TECHNOLOGIES,

Defendants.

Civil Action No. _____

Removed from

Supreme Court of State of New York
New York County

Index No.: 152803/2015

JUDGE KOELTL

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that defendants WIPRO LIMITED, WIPRO LIMITED, LLC AND WIPRO TECHNOLOGIES in the above entitled action, by and through their undersigned attorneys, hereby remove the above-captioned civil action, and all claims and causes of action therein, from the Supreme Court of the State of New York, New York County, to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446(b).

PLEASE TAKE FURTHER NOTICE that defendants WIPRO LIMITED, WIPRO LIMITED, LLC AND WIPRO TECHNOLOGIES appear specifically for the purpose of removal only and for no other purpose, and reserve all defenses and rights available to them, including but not limited to personal jurisdiction, and state as follows:

1. On March 23, 2015, Plaintiff filed a Summons with Notice indicating that he would be seeking recovery for damages under "federal law," but did not set forth specific a federal law under which he sought relief. (See Exhibit A, Summons with Notice).

2. The initial pleading setting forth the federal claim for relief upon which this removed action is based was filed on or about May 1, 2015, in the Supreme Court of the State of

New York, New York County, and captioned *Parisi v. Wipro Limited, Wipro Limited, LLC and Wipro Technologies*, under Index No. 152803/2015 (the “State Court Action”). Wipro Limited, Wipro Limited, LLC and Wipro Technologies were served with a Summons and Complaint in the State Court Action on or about May 1, 2015. (*See* Exhibit B, Complaint).

3. The Complaint, among other things, asserts a claim under the False Claims Act, 31 U.S.C. §§ 3729–3733, arising from Plaintiff’s employment with Defendants. (*See* Exhibit B, at ¶¶ 62, 71, 80, 89, 93, 98.)

4. This Notice of Removal is being filed by Wipro Limited, Wipro Limited, LLC and Wipro Technologies.

5. A copy of this Notice of Removal is being filed with the Clerk of the District Court of the Southern District of New York, and is being served on Plaintiff’s counsel of record pursuant to 28 U.S.C. §§ 1446(a) and (d).

THIS COURT HAS SUBJECT MATTER JURISDICTION

6. This Court has original jurisdiction over the instant civil action pursuant to 28 U.S.C. § 1331 because Plaintiff asserts claims involving federal questions arising under the federal False Claims Act, 31 U.S.C. §§ 3729–3733, which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441 and 1446.

7. The jurisdictional statute invoked by the Defendants, 28 U.S.C. § 1331, authorizes federal district courts to hear civil actions arising under the Constitution, laws or treaties of the United States and 28 U.S.C. § 1441(a) authorizes a state court defendant to remove a case when it could have originally been commenced in federal court on the basis of federal question jurisdiction. *See Hernandez v. Conriv Realty Associates*, 116 F.3d 35, 38 (2d Cir. 1997).

8. Because Plaintiff's Complaint requires rulings on the Federal Claims, the Court has federal question jurisdiction over Counts IV-V of the Complaint pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction over all remaining claims pursuant to 28 U.S.C. § 1367. Accordingly, the State Court Action is removable to this Court under 28 U.S.C. § 1441.

9. This Notice of Removal is being filed within thirty (30) days of receipt by the defendants, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. 28 U.S.C. § 1446(b). Therefore, this Notice of Removal is timely filed under 28 U.S.C. §§ 1441 and 1446.

10. Removal to this Court is proper under 28 U.S.C. § 1441(a) as the Southern District of New York comprises the County of New York, New York - the place where the State Court Action is currently pending.

11. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders known to have been filed in the State Court Action are attached hereto as *Exhibit A*.

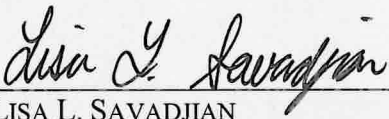
12. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff, and a copy is being filed with the Supreme Court of the State of New York, County of New York.

WHEREFORE, WIPRO LIMITED, WIPRO LIMITED, LLC AND WIPRO TECHNOLOGIES respectfully request removal of this action from the Supreme Court of the State of New York, New York County, to the United States District Court for the Southern District of New York.

Dated: New York, New York

May 14, 2015

LECLAIRRYAN

By: 

LISA L. SAVADJIAN

Attorneys for Defendants Wipro Limited, Wipro Limited, LLC and Wipro Technologies

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Attorney for Plaintiff James Parisi

CERTIFICATION OF SERVICE

This is to certify that on the 14th day of May, 2015 a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid thereon, and electronic mail to the following:

Jared T. Sullivan, Esq.
JARED T. SULLIVAN, P.C.
65 Hilton Avenue
Garden City, New York 11530

Date: May 14, 2015
New York, NY

By: /s/Lisa L. Savadjian
Lisa L. Savadjian